Dear Jim, In camera inspection of MPD records, 0692 HW 7/20/78

I've reread my affidavit of 6/4 as it relates to Walker's and find that I addressed your present problem in it in Par. 130, the very general nature of the language Walker used in the subpoena and his affidavit. I beoieve that what the Department has done amounts to a trick on Judge Gesell, especially knowing that he wants to clear this up before going on vacation the end of next week. They are trying to impress him with a non-existing need for secrecy when they hope he'll not have time to give it much thought or conduct any inquiry. I had this feeling this morning, hence my first note while you were talking is "in camera- vs. public domain."

I can dd detail to my affidavit but I think that in it I was fairly specific with regard to what is known and what is being withheld from you that is already in the FBI reading room by virtue of its having been given to me in 75-1996. I did state this in my affidavit. I suggest you reread it beginning about Par. 126 and ask that they provide refutation of each and every paragraph from there to the end of Walker and including what I stated about Stanton and his affidavit. (Reminds me, wasn't some of this in the PD's files from when he was PD?)

I did not address Item 1 of the affidavit directly because it is too general: "Statements - State v. James Earl Ray pages 1400 to 1523." Assuming that thi s refers to the statement os witnesses and quoting from page 18 of Metcalfe's Motion, "the confidentiality, of course, centered around the contents of the documents..." it would appear to be fairly certain that these are largely within the public domain in various ways. One is by being used at the guilty plea hearing or at the evidentiary hearing. (These comments have fairly ge general application to all the items.) I believe they have to have been available in some form to the public defender, whose investigations address them. They certainly were used widely in the press, so widely that the judge issued a gag order and contempt citations. Without knowing the specific content one can only generalize but some of the witness statements were used in the extradition hearing.

2. is "Follow up investigation of the Scene, ..." Again it is not, because of the general nature of the language to address the specific records or their content. However, it appears quite unlikely that any of the content is secret for the above and for other reasons, the information given to me by the FBI in 1996.

The records provided me are very specific in attributing the information to the police. In some instances I was given relevant police rports. I mean other than political records here. Relating to the crime and to surrounding circumstances. The FBI began filing regular teletype reports to FBIHQ using this police information. In addition to other forms and reports of various kinds there was a daily teletyped summry of this information. These include details of the crime, of the police and FBI investigations, interviews with witnesses and reinterviews with witnesses. Remember the prosecutorial volumes and the index to them on this. About 3,000 cards, more entries, Memphis the largest single source. (Interesting that OPR wanted only the "followup" rather than the original investigation. Suggests intent to coverup.)

I did address Item 1 in Par. 126. Remember my files of news clippings I gave you, all mounted. They bear on all of this and how confidential anything was.

My 127 is on the fake CB broadcast. I can expand on this considerably. % a and b and 6a relate to this. I was given the police reports by the FBI on this plus the FBI's own investigation. The police reports thus are already in the public domain and to a degree in the FBI's public reading room. Because for years it has not been relevant and thus raises substantial questions about what the OPR was up to with this interest at so late a date I did not make copies or establish a separate file. This, of course, was also given to the papers, which interviewed the young suspect and printed the transcript the pollice made of the rebroadcast. The police reports include th young man's name, what his parents, particularly the mother said, details of his equipment and interests, what others alleged, etc. The name is Lation, like Delmonica only it isn't that.

As best I now recall the police reports they identify the father as a lawyer and as standing by his son in the son's denial. Gives a description of the boy's room and where what equipment is located in it. The mother said he was not using his equipment, perhaps that he was studying. There are beighbor interviews, I think, and of others who are familiar with CB, I think including a TV man or repairman. (I'll be if the judge were to ask me questions much more would come back. remember, I never looked into this myself after I learned the time of the fake broadcast. It began about a half-hour after the crime and thus could not serve to cover flight from the city when the borders are so close, the river bridge about 10 minutes away. A cover fake broadcast would have begun only a few minutes after the shooting.

What I do not state in Par. 128 is that the details of the "detail" were in MPD records I was given in 1996. (5d) This includes from before the plane landed and the Reddit/Richmond and firemen flap, which you may recall I also had in my book and had the details about the week of the crime. It is all public knowledge and was from the first. Matt Herron, who gave me his notes and tapes, got it from the local blacks when he was there an assignment for Newseeek. The police reprost go into specifics relating to a meeting or meetings, including at a church, I believe even to reporting that Abernathy called King up and told him the audience had to have him. King, who had been up most of the night conferring with various people - and I have the details of with whom and in what rooms -had asked Abernathy to substitute for him. Includes details of yanking Reddit and why and by whom when he did not do as ordered by phone. I think it is Lt. Arkin who went and fetched him in person. Richmond remained. (Plus others not generally known.) I think I can even give you the license numbers of the cars, etc.

Back to the CB, I think Austin is the fellow who heard the CB broadcast and flagged down an MPD car. Was it Lt. Bradshaw? I'm not sure but I believe there is more than one interview with Austin. I think he is a steamfitter and the records include a description of his car and where and how he and the police relayed what was on CB. I think he also had questions because the signal intensity did not vary.

I don't believe I received copies of any records relating to the Mustang from the police but that entire matter, my 129, subpoena 7d, could not be more public. Remember there was litigation over this. Refro Mays went for it and Percy Foreman also did. It was all in the papers, in great detail. There is no detail of the car itself not in the FBI records, including pictures, inventory after search, etc. Even the battery and the tires were investigated and the reports made public in 1996. This is roughly true of 6c, too, except for the withholding of some names. The PD gave prints to the FBI.

I'm not sure if I got copies of the homicide report. I got the content and some similar records if not what this (7a) refers to. The autopsy report was used in the extradition and the content of the homicide report is what I presume was narrated at the guilty plea hearing and aduced from witnesses. Here as with most if anything is withheld it is what does not agree with the official story. All the rest was used or leaked, and the leaking was really extensive, in Memphis and via FBIHQ.

I was given what the police had on 7b, location of Tact units. Do not misunderstand me in this. I am not speaking of the three on a rest brak at the firehouse alone. I mean all or all within a mile or so of the scene of the crime. As with the CB, this was of no special interest so I kept no separate files but it was given to me. The locations, as I recall now, were oriented in distance from the scene and I think times were given. Frankly, I see no reason to withhld this because it does not reflect badly on the police. My recollection of the police information, which I believe, is that the Tact units were properly dispersed, for all to be able to reach potential trouble spots rapidly. By the way, I believe the reports indicate the presence of police other than of the Tact units at the firehouse at the time of shooting and include the names of those in the Tact units.

I think Metcalfe, in his overzealous practise of adversary law, gave you a heel that is vulnerable, his claim that the content rather than the report itself requires confidentiality. Clobber him on this. The content can't be secret except for what ought to be out in this case, one historical by the AG's own designation (when he had little choice, of course), what is or can be exculpatory or exposes official error or misconduct. I believe both.

On content I can take the stand and wear Gesell out with details, even now, if he asks questions based on what he read in the records.

On Frank, there is more of the same crediting the prosecution with his info, as his book also reflects, on the tape of our joint radio appearance, WBZ, Boston. I recall some details on the rifle and the clip because I flailed him lustily over what the prosecution had fed him.

After the St. Louis broadcast he and the Doubleday flacks with uim and I had a long meeting in the hotel's soda shop. The bar was closed for the night. He blabbed even more. Oh yes, in the studio at WNEW, when he was with Huie and Dwyer before and after the show but not on it, he blabbed that they had even given him the autopsy color pictures. Groden, who was taping the show in the audience, misunderstood Frank's intentions as Frank rushed up to me so he did not stop to turn his tape recorder off. Some of the bit about the autopsy pix is on t e Groden tape. Frank gave me to understand that his information had to be good because it all came from the prosecution and that he then conducted lengthy personal interviews for literary details and for presenting himself as Hawkshaw Holmes.

Reminds me: remember my conversation with the sheriff's receptionist and she told me Frank is so poor an investigator he could not even find Percy Foreman at the party? Remember her accounts of the parties for the press, where the local officials provided local ladies, of whom she was one? Frank told me they also drove him around, the DA's people. I am not sure that he included Canale and Dwyer but I think he did. I know ynum Shaw is this specific. But when I was Ray's investigator I could not even get to see the official records, meaning evidence, of the guilty plea hearing except for the rifle and the voir dire. Rhodes and Mason claimed it all as their "work product."

I'd give Gesell the transcript of the Canale speech at the Jackson convention of the bar, where he goes into the police evidence and show the pictures, even of the autopsy, credits it to the police, and I'd include as many of the news stories as you can find from my files of the other such public appearances. I recall one at Galtinburg and one at the Albert Pick. I think that was the truckers' convention and that Carlisle presented the police evidence and the same pix to the truckers. There was a news story on this.

Reddit, by the way, went public with the content of the police reports about him. He also went public, on TV and elsewhere, after he testified to the House assassins. No secrecy there. He went to New York to do the Gil Noble TV show with Les payne and again told the entire story. I think I still have Les' tape because he has not been back since he left it here. He agreed to appear with Lane at the Press Club party for Lane's book in early June 1977 but did not show because of his wife's illness. He did make other such appearances. Holloman and other officials have all given their accounts of the content of these reports. Holloman from Les Payne to Abby Mann. Lane also boasts of Inspector Smith (PD, not sheriff) on tape with this kind of info in an interview.

So treat Metcalfe like Achilles with his excess, even if he ain't no Achilles. I'd really lay it on hard on his own words and his own emphasis on "content."

Maybe you'll have questions when I get back. Oh yes, I'd estimate that I have at least several hundred pages of MPD reports, some pretty long and few very short. This is why I suggested that you asks Gesell to ask them for a list of the MPD reports they gave me. This can be done easily in the MPO, not HQ. Hastily,